IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WA.No. 997 of 2004()

AGAINST THE JUDGEMENT IN OP.8776/1996 Dated 20/10/2003
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APPELLANT: RESPONDENTS IN OP
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,GOVT.OF KERALA, THIRUVANANTHAPURAM

2. THE ACCOUNTANT GENERAL O/O THE ACCOUNTANT GENERAL, TRIVANDRUM.

3. THE SECRETARY, FINANCE (PAY REVISION CELL), SECRETARIAT, TRIVANDRUM.

4. THE SECRETARY, AGRICULTURE, SECRETARIAT, TRIVANDRUM.

5. THE DISTRICT TREASURY OFFICER, THODUPUZHA.

BY GOVERNMENT PLEADER BENNY GERVASIS

RESPONDENT: PETITIONER IN THE OP

THOMAS JOHN, THEKKUMPURATH, KUTTAPUZHA P.O., THIRUVALLA.

BY ADV. SRI.K.JAGADEESCHANDRAN NAIR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

W.A. 997/2004

Dated this the 6th day of September, 2007

JUDGMENT

Radhakrishnan, J

Appeal is filed against the judgment in O.P.8776/1996 which was disposed of by the learned Single Judge along with O.P.3354/1996. State preferred W.A.968/2004 against the judgment in O.P.3354/1996. That was allowed placing reliance of the judgment of this Court in **State of Kerala v. Saiful Islam (2006 (1) KLT 619)** which has reversed the judgment reported in **2003 (3) KLT 384**.

2. Considering the facts of this case, the judgment of the learned Single Judge is set aside and the appeal is allowed. In view of the direction given in the judgment by the Division Bench in Saiful Islam's case, it is open to the State to take further follow up action as directed by the Division Bench in the above mentioned judgment in paragraph 16. Ordered accordingly.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs